

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Blackburn, et al.

Application No.: 10/823,503

Filing Date: April 12, 2004

For: ***Binding Acceleration
Techniques for the
Detection of Analytes***

Examiner: Noguerola
Art Unit: 1795 Conf. No.: 3273

CERTIFICATE OF ELECTRONIC TRANSMISSION
UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, including listed enclosures, is being electronically transmitted in Portable Document Form (PDF) through EFS-Web via Hyper Text Transfer Protocol in accordance with 1.8(a)(4) to the United States Patent and Trademark Office on:

Dated: 12/5/2008

Signed: Jane Valles
Jane Valles

**TERMINAL DISCLAIMER TO OBTAIN
A DOUBLE PATENTING REJECTION**

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Petitioner, Clinical Micro Sensors, Inc. (dba Osmetech Molecular Diagnostics), (hereinafter "CMS") represents that it is the Assignee of the entire right, title and interest of the instant application, U.S. Patent Application No. 11/823,503, filed April 12, 2004, pending; which is a continuation of U.S. Patent Application No. 09/520,477, filed March 8, 2000, now U.S. Patent No. 6,761,816 B1, which is a division of U.S. Patent Application No. 09/338,726, filed June 23, 1999, now U.S. Patent No. 6,264,825 B1; which is a continuation of U.S. Patent Application No. 09/134,058, filed August 14, 1998, now U.S. Patent No. 6,290,839 B1.

Assignments were recorded in the United States Patent and Trademark Office for U.S. Application No. 09/134,058, filed August 14, 1998, now U.S. Patent No. 6,290,839 B1 at Reel No. 009666, Frame No. 0734, on December 28, 1998; and for U.S.

Application No. 09/338,726, filed June 23, 1999, now U.S. Patent No. 6,264,825 B1 at Reel No. 010565, Frame No. 0788, on January 24, 2000.

CMS hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer of U.S. Patent Application No. 09/134,058, filed, August 14, 1998, now U.S. Patent No. 6,290,839 B1; and of U.S. Patent Application No. 09/338,726, filed June 23, 1999, now U.S. Patent No. 6,264,825 B1.

CMS hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, CMS does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent Application No. 09/143,058, filed August 14, 1998, now U.S. Patent No. 6,290,839 B1, and of U.S. Patent Application No. 09/338,726, filed June 23, 1999, now U.S. Patent 6,264,925 B1, as shortened by any terminal disclaimer, in the event that the patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the Petitioner/Assignee. The undersigned has reviewed the evidentiary document in the chain of title of the instant application identified above, and certifies that, to the best of Assignee's knowledge and belief, title is in the Assignee CMS.

The Commissioner is hereby authorized to charge the terminal disclaimer fee of \$70.00 to Deposit Account No. 50-0310 (Attorney Docket No. 067456-5018-US05) and any other fees which may be required, including extension fees, or credit any overpayment to the above Deposit Account.

The undersigned are attorneys of record.

Dated: March 5, 2008

Morgan, Lewis & Bockius LLP
One Market, Spear Street Tower
San Francisco, California 94105
Telephone: 415.442.1000
Fax: 415.442.1001

Respectfully submitted,

By: David C. Foster

David C. Foster, Reg. No. 44,685 for
Robin M. Silva, Reg. No. 38,304

Customer Number 67374